

# HOUSE BILL 96

E2

2lr0477

---

By: **Delegates Anderson, Braveboy, Cane, Carter, Clippinger, Conaway, Dumais, Glenn, Hammen, Haynes, Holmes, Howard, Ivey, Jones, K. Kelly, McDermott, McHale, McIntosh, Morhaim, Nathan-Pulliam, Pena-Melnyk, Proctor, B. Robinson, Rosenberg, Stukes, Summers, Tarrant, V. Turner, Vallario, Washington, and Zucker**

Introduced and read first time: January 19, 2012

Assigned to: Judiciary

---

## A BILL ENTITLED

1 AN ACT concerning

2 **Criminal Procedure – Probation Before Judgment – Subsequent Controlled**  
3 **Dangerous Substance Crime**

4 FOR the purpose of authorizing a court to impose probation before judgment for a  
5 certain second or subsequent controlled dangerous substance crime if the court  
6 requires the defendant to graduate from drug court as a condition of probation;  
7 and generally relating to probation before judgment.

8 BY repealing and reenacting, with amendments,  
9 Article – Criminal Procedure  
10 Section 6–220(d)  
11 Annotated Code of Maryland  
12 (2008 Replacement Volume and 2011 Supplement)

13 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF  
14 MARYLAND, That the Laws of Maryland read as follows:

15 **Article – Criminal Procedure**

16 6–220.

17 (d) Notwithstanding subsections (b) and (c) of this section, a court may not  
18 stay the entering of judgment and place a defendant on probation for:

19 (1) a violation of § 21–902 of the Transportation Article or § 2–503, §  
20 2–504, § 2–505, § 2–506, or § 3–211 of the Criminal Law Article, if within the  
21 preceding 10 years the defendant has been convicted under § 21–902 of the

---

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 Transportation Article or § 2-503, § 2-504, § 2-505, § 2-506, or § 3-211 of the  
2 Criminal Law Article, or has been placed on probation in accordance with this section,  
3 after being charged with a violation of § 21-902 of the Transportation Article or §  
4 2-503, § 2-504, § 2-505, § 2-506, or § 3-211 of the Criminal Law Article;

5 (2) a second or subsequent controlled dangerous substance crime  
6 under Title 5 of the Criminal Law Article **UNLESS THE COURT REQUIRES THE**  
7 **DEFENDANT TO GRADUATE FROM DRUG COURT AS A CONDITION OF PROBATION;**

8 (3) a violation of any of the provisions of §§ 3-303 through 3-307, §§  
9 3-309 through 3-312, § 3-315, or § 3-602 of the Criminal Law Article for a crime  
10 involving a person under the age of 16 years; or

11 (4) a moving violation, as defined in § 11-136.1 of the Transportation  
12 Article, if:

13 (i) the defendant holds a provisional license under § 16-111 of  
14 the Transportation Article; and

15 (ii) the defendant has previously been placed on probation  
16 under this section for the commission of a moving violation while the defendant held a  
17 provisional license.

18 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
19 October 1, 2012.